

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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TANYA ALEXANDER,	:	
	:	
Plaintiff,	:	<b>CIVIL ACTION — LAW</b>
vs.	:	
	:	
WAL-MART STORES, INC. c/o	:	<b>NO.:</b>
CT CORPORATION SYSTEM	:	
and	:	
COCA-COLA BOTTLING COMPANY	:	
c/o CT CORPORATE SYSTEM	:	
	:	
Defendants.	:	<b>JURY TRIAL DEMANDED</b>

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**DEFENDANT, WAL-MART STORES EAST, L.P. 'S, NOTICE OF REMOVAL**

Defendant, Wal-Mart Stores East, L.P. (incorrectly designated as “Wal-Mart Stores, Inc.”) (hereinafter referred to as “Wal-Mart”) is represented by undersigned counsel in this matter. Defendant files this Notice of Removal pursuant to 28 U.S.C. § 1441(a) and (b) to remove this action from the Court of Common Pleas of Philadelphia County, July Term 2007, No.: 4354, where it is now pending, to the United States District Court for the Eastern District of Pennsylvania. Defendant, in support thereof, states as follows:

1. A Civil Action has been brought against Wal-Mart by the Plaintiff and is pending in the Court of Common Pleas of Philadelphia County at July Term, 2007, No. 004354. A copy of Plaintiff's Complaint is attached hereto and marked as Exhibit "A."

2. The State Court wherein this action was originally filed is located in Philadelphia, Pennsylvania, which is embraced within this jurisdictional district.

3. Removal from the Philadelphia Court of Common Pleas is proper under 28 U.S.C. §1441(a) and (b), which authorizes the removal of any civil action of which the District Courts

of the United States has original jurisdiction and if none of the parties in interest properly joined and served as a defendant is a citizen of the state in which such action is brought.

4. This Court has original jurisdiction over the subject matter under 28 U.S.C. §1332 as the parties are citizens of different states, and the matter in controversy exceeds \$75,000 as set forth below.

5. Plaintiff alleges that she is a citizen of the Commonwealth of Pennsylvania and resides at 414 Walnut Street, Pottstown, Pennsylvania 19464.

6. Wal-Mart is a corporation organized and existing under the laws of the State of Delaware with principal business offices located in Bentonville, Arkansas.

7. Coca-Cola Bottling Company (hereinafter "Coke") is a corporation organized and existing under the laws of the state of Delaware with a principal place of business in Atlanta, Georgia.

8. Coke consents to and joins in removal of this matter to the Court. A true and correct copy of Coke's August 20, 2007 correspondence consenting to removal of this matter is attached hereto as Exhibit "B."

9. Wal-Mart was served with a copy of Plaintiff's Complaint on or about August 9, 2007. This Notice of Removal is filed within thirty (30) days thereof.

10. Plaintiff's Complaint contains allegations of negligence arising out of an incident on or about June 24, 2006, at the Wal-Mart located in Pottstown, Pennsylvania. See Exhibit "A," ¶ 11.

11. Plaintiff alleges that she was caused to slip and fall on liquid that was leaking from a vending refrigerated cooler. See Exhibit "A," ¶ 9.

12. Plaintiff alleges that she suffered injuries which are serious and permanent in

nature including but not limited to “L5/S1 central, right paracentral and lateral disc protrusion, acute cervical, thoracic and lumbar strain and sprain with myofascitis, and acute myofascial syndrome. Plaintiff also alleges permanent disability.” See Exhibit “A,” ¶ 14.

13. Plaintiff claims loss of earnings and impairment of earning capacity. See Exhibit “A,” ¶ 16.

14. Plaintiff seeks damages in excess of \$50,000. See Exhibit “A,” *ad damnum* clause.

15. On August 16, 2007, Wal-Mart sent correspondence to Plaintiff requesting that the Plaintiff stipulate to damages of less than \$75,000 to avoid removal to Federal court. A response was requested by August 31, 2006.

16. Counsel for Plaintiff stated that Plaintiff was unwilling to sign a stipulation at this time.

17. In light of the severity of Plaintiff's allegations, Plaintiff's claim of damages over \$50,000, and Plaintiff's failure to stipulate to damages, Wal-Mart believes that the matter in controversy is in excess of the sum or the value of \$75,000 exclusive of interest and costs.

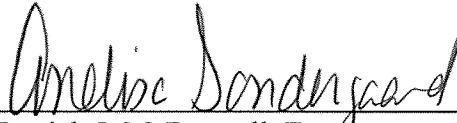
18. Based on the foregoing, the requirements of 28 U.S.C. §1441(a) and (b) and 1332 have been satisfied and the within matter is properly removable.

**WHEREFORE**, Wal-Mart, respectfully requests that the State Action be removed from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

**MCDONNELL & ASSOCIATES, P.C.**

Dated: September 5, 2007

By:



Patrick J. McDonnell, Esquire,

Attorney I.D. No. 62310

Analisa Sondergaard, Esquire

Attorney I.D. No. PA74223

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*Attorney for Defendant*

*Wal-Mart Stores East, L.P.*

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Plaintiff,	:	<b>CIVIL ACTION — LAW</b>
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CT CORPORATION SYSTEM	:	<b>NO.:</b>
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COCA-COLA BOTTLING COMPANY	:	
c/o CT CORPORATE SYSTEM	:	
	:	
Defendants.	:	<b>JURY TRIAL DEMANDED</b>

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**CERTIFICATE OF SERVICE**

I, Analisa Sondergaard, Esquire hereby certify that a true and correct copy Defendant,  
Wal-Mart Stores East, L.P.'s Notice of Removal was served via facsimile on September 5, 2007  
to the counsel below named:

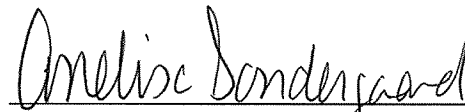
Michael Leabman, Esquire  
1608 Walnut Street, Suite 800  
Philadelphia, PA 19103  
215-732-3178 – facsimile

Karen Webb  
Liability Claim Process Specialist / Coca-Cola Enterprises Inc.  
PO Box 723040  
Atlanta, GA 30339-0040  
770-989-3039 - facsimile

**MCDONNELL & ASSOCIATES, P.C.**

Dated: September 5, 2007

By:



Analisa Sondergaard, Esquire  
*Attorney for Defendant  
Wal-Mart Stores East, L.P.*